



Order Filed on April 3, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY

McCABE, WEISBERG & CONWAY, LLC
By: Lauren M. Moyer, Esq. (Atty.
I.D.#LMM2332)
216 Haddon Avenue, Suite 201
Westmont, NJ 08108
856-858-7080
Attorneys for Movant: LoanCare, LLC

IN re:

James A. Rutter, Jr.
Crystal A. Rutter
Debtors

Case No.: 17-15216-JNP
Chapter: 13
Hearing Date: February 4, 2020
at 10:00 a.m.
Judge: Jerrold N. Poslusny Jr.

Recommended Local Form

☒ Followed

☐ Modified

**ORDER RESOLVING MOTION TO VACATE STAY
WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2) through three (3) is
hereby **ORDERED**

DATED: April 3, 2020



Honorable Jerrold N. Poslusny, Jr.
United States Bankruptcy Court

Applicant: LoanCare, LLC
Applicant's Counsel: Lauren M. Moyer, Esq.
Property Involved ("Collateral") 207 Black Hoof Trail, Franklinville, New Jersey 08322
Relief Sought: ☒ Motion for relief from the automatic stay
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay
against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that the Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor is overdue for 3 months, from November 1, 2019 to January 1, 2020
- ☒ The Debtor is overdue for 3 payments at \$3,499.75 per month.
- ☒ The Debtor has a suspense balance of \$1,110.67.
- ☒ Applicant acknowledges receipt of funds in the amount of \$10,449.25 received after the motion was filed.

Total Arrearages Due: \$0.00

2. Debtor must cure all post-petition arrearages, as follows:

- ☒ Immediate payment shall be made in the amount of \$10,449.25. Payment has already been tendered by the Debtors.
- ☒ Beginning on February 1, 2020, regular monthly mortgage payment shall continue to be made in the amount of \$3,499.75.

3. Payments to the Secured Creditor shall be made to the following address(es):

- ☐ Immediate payment: LoanCare, LLC
3637 Sentara Way, Suite 303
Virginia Beach, VA 23452
- ☐ Regular monthly payment: Same as above
- ☐ Monthly cure payment: Same as above

4. In the event of Default:

- ☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification

specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor and the Debtor's attorney.

☒ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. In the event the Debtor converts his/her case to a Chapter 11, the terms of the Order shall remain in full force and effect. In the event that the Debtor converts his/her case to a Chapter 7, Debtor shall cure all pre-petition and post-petition arrears within ten (10) days of conversion. Failure to cure the arrears shall constitute an event of default under this Order and Movant may certify default as set forth in paragraph 4 of this order.

6. Award of Attorneys' Fees:

☒ The Applicant is awarded attorney fees of \$181.00 and costs of 350.00.

The fees and costs are payable:

☒ through the Chapter 13 plan.

☐ to the Secured Creditor

☐ Attorneys' fees are not awarded.

Certificate of Notice Page 4 of 4

United States Bankruptcy Court
District of New JerseyIn re:
James A. Rutter, Jr.
Crystal A. Rutter
DebtorsCase No. 17-15216-JNP
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-1

User: admin
Form ID: pdf903Page 1 of 1
Total Noticed: 1

Date Rcvd: Apr 03, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on
Apr 05, 2020.db/jdb +James A. Rutter, Jr., Crystal A. Rutter, 207 Black Hoof Trail,
Franklinville, NJ 08322-3000Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Apr 05, 2020

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system on April 3, 2020 at the address(es) listed below:

Andrew M. Lubin on behalf of Creditor Select Portfolio Servicing, Inc. as servicing agent for
U.S. Bank Trust National Association, as Trustee for Towd Point Master Funding Trust 2018-PM11
bkecf@milsteadlaw.com, alubin@milsteadlaw.com

Denise E. Carlon on behalf of Creditor LoanCare, LLC. dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com

Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com

Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com,
summarymail@standingtrustee.com

Jane L. McDonald on behalf of Trustee Isabel C. Balboa ecf@standingtrustee.com

Kevin Gordon McDonald on behalf of Creditor LoanCare, LLC. kmcdonald@kmlawgroup.com,
bkgroup@kmlawgroup.com

Kevin Gordon McDonald on behalf of Creditor Ditech Financial LLC kmcdonald@kmlawgroup.com,
bkgroup@kmlawgroup.com

Lauren Moyer on behalf of Creditor LoanCare, LLC. lmoyer@mwc-law.com,
nj-ecfmail@ecf.courtdrive.com

Thomas G. Egner on behalf of Joint Debtor Crystal A. Rutter tegner@mcdowelllegal.com,
tcuccuini@mcdowelllegal.com/Lwood@mcdowelllegal.com/kgresh@mcdowelllegal.com/kbrocious@mcdowellle
gal.com/djamison@mcdowelllegal.com/cgetz@mcdowelllegal.com/egnertr62202@notify.bestcase.com

Thomas G. Egner on behalf of Debtor James A. Rutter, Jr. tegner@mcdowelllegal.com,
tcuccuini@mcdowelllegal.com/Lwood@mcdowelllegal.com/kgresh@mcdowelllegal.com/kbrocious@mcdowellle
gal.com/djamison@mcdowelllegal.com/cgetz@mcdowelllegal.com/egnertr62202@notify.bestcase.com

U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 11